

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

BETTY SMITH

Plaintiff

V.

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

Defendant

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No. 5:06CV184

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff, proceeding *pro se*, filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Plaintiff objects to the Magistrate Judge's recommendation that Plaintiff's above-entitled and numbered social security cause of action be dismissed. Specifically, Plaintiff asserts she was not treated fairly because she was denied disability benefits "over and over." (Objections at pg. 1). After reviewing the briefs of the parties and the Report and Recommendation, the Court finds Plaintiff's objections are without merit.

As noted by the Magistrate Judge, Plaintiff's current lawsuit involves the same facts and the same issues as in her first application for disability benefits which resulted in an unfavorable decision dated November 5, 1987. The Court has no jurisdiction to review the instant action. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct.

Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's Motion to Dismiss (Dkt. No. 7) is **GRANTED**. It is further

ORDERED that Plaintiff's above-entitled and numbered action is hereby **DISMISSED WITH PREJUDICE**. It is further

ORDERED that all motions not previously ruled on are **DENIED**, and the referral order is **VACATED**.

SIGNED this 17th day of May, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE